


## WISCONSIN'S

### Public Health Statutes and Administrative Rules



Department of Health Services  
Division of Public Health  
May 2017

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### Objectives

- Recognize the importance of Public Health Statutes and Rules
- Begin to understand regulations governing public health programs
- Become familiar with Local health department levels and required services

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### Wisconsin Statutes

- Laws that establish the legal basis for public health in Wisconsin
- Created, amended or repealed by state legislature
- Stand on their own




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### Administrative Rules

- Authorized by statute
- Provide further explanation and additional rules to the statutes
- Facilitate administration and enforcement of statutes
- Have the effect of law

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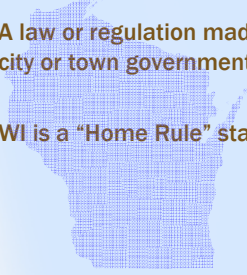

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### Local Ordinances

- A law or regulation made by a city or town government
- WI is a “Home Rule” state

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### Why are they important?

- Provide guidance and direction
- Provide authority
- Provide assurance

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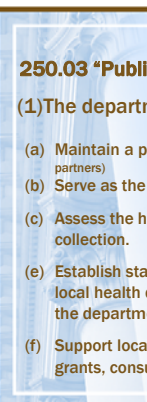
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Direction

250.03 "Public Health System"

(1)The department **SHALL:**

(a) Maintain a public health system in cooperation with...(many partners)

(b) Serve as the state lead agency for public health.

(c) Assess the health needs in the state based on statewide data collection.

(e) Establish statewide health objectives and delegate power to local health departments (LHD) to achieve the objectives as the department considers appropriate.

(f) Support local public health service capacity building through grants, consultation and technical assistance.

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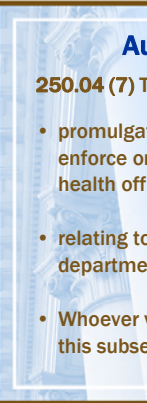
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Authority and Assurance

250.04 (7) The department **MAY** .....

• promulgate and enforce rules and issue and enforce orders governing the duties of all local health officers and local boards of health

• relating to any subject matter under the department's supervision

• Whoever violates a rule or order specified under this subsection shall be fined

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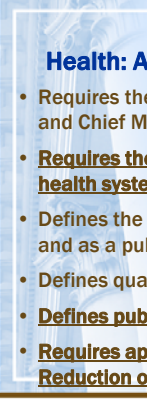
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Chapter 250 –  
Health: Administration and Supervision

• Requires the appointment of State Health Officer and Chief Medical Officers and describes duties

• Requires the Department to maintain a public health system

• Defines the powers and duties of the Department, and as a public health authority

• Defines qualifications for public health nurses

• Defines public health planning requirement

• Requires appropriation of funds– Health Disparities Reduction or Elimination, Dental, CHCs, etc.

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### Chapter 251 – Local Health Officials

Defines and/or Describes

- LHDs, levels of service, jurisdiction, joint services, how financed
- Boards of health, its members, powers, duties
- Health officer qualifications and duties
- Gives the DHS rule making authority

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### Administrative Rule DHS 139 promulgated under Ch. 250 & Ch. 251

#### Qualifications of Public Health Professionals Employed by Local Health Departments

- Health officers
- Public health sanitarians
- Directors of environmental health programs
- Public health nurses
- Directors of public health nursing programs



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### Administrative Rule DHS 140 promulgated under Ch. 251

#### Required Services of Local Health Departments

Defines the required services for:

- Level I local health department
- Level II local health department
- Level III local health department
- Designation of level of local health department
- Requires the Department to direct a process to formally review local health departments



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### Chapter 252 – Communicable Diseases

- Defines powers and duties of the Department and local health officers
- Authorizes the immunization program and compulsory vaccination during a state of emergency
- Requires reporting of communicable disease cases and authorizes isolation and quarantine
- Authorizes communicable disease prevention and control programs

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### Administrative rules promulgated under Ch. 252

- DHS 144** Immunization of students
- DHS 145** Control of communicable disease
- DHS 146** Vaccine-preventable disease
- SPS 221** Tattooing and body piercing

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### Chapter 253 – Maternal & Child Health

- Requires the Department to maintain a MCH program; preparation of State Plan for MCH services
- Provides the authority for a state supplemental food program for women, infants and children (WIC)
- Provides the authority for family health programs
- Identifies responsibilities for Infant blindness; Newborn hearing screening and screening for congenital and metabolic disorders
- Identifies responsibilities related to Sudden infant death syndrome and Shaken baby syndrome and impacted babies

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Administrative rules promulgated under  
Ch. 253

- DHS 115** Screening of newborns for congenital and metabolic disorders
- DHS 116** Wisconsin birth defect prevention and surveillance system
- DHS 149** The special supplemental nutrition program for women, infants and children (WIC)
- DHS 151** Family Planning Fund Allocations



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Chapter 254 – Environmental Health

- Toxic Substances
- Radiation Protection
- Recreational Sanitation
- Animal-borne and vector-borne disease control
- Human Health Hazards
- Sale or Gift of Cigarettes or Tobacco Products to Minors

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Administrative rules promulgated under  
Ch. 254

- DHS 157** Radiation protection
- DHS 158** Fee for monitoring radiation emissions in the vicinity of nuclear power plants
- DHS 159** Asbestos certification and training accreditation
- DHS 163** Certification for the identification, removal and reduction of lead-based paint hazards
- DHS 181** Reporting of blood lead test results
- DHS 182** Lead poisoning or lead exposure prevention grants

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**Restaurants, Retail Food, Lodging, Camping, and  
Swimming Pools - Department of Agriculture,  
Trade and Consumer Protection (DATCP)**

**Body Art and Tattooing - Department of Safety and  
Professional Services (DPS)**

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### **Chapter 255 – Chronic Disease & Injuries**

- **Chronic Disease Prevention, Assessment & Control**
  - Duties of state epidemiologist and of the Department
  - Cancer Reporting; Cancer control and prevention grants; cancer research program; drug repository; Well-woman program; State-wide tobacco prevention and control programs
- **Injury Prevention & Control**

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**Administrative rules promulgated under  
Chapter 255**

**DHS 147**    **Cancer Control Grants**

**SPS 220**    **Tanning facilities**

**DHS 199**    **Tobacco control activities**

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### Additional Statutes Important to Public Health

**Chapter 19** General Duties of Public Officials

**Chapter 46** Social Services

**Chapter 51** State Alcohol, Drug Abuse,  
Developmental Disabilities and Mental  
Health Act

**Chapter 69** Collection of Statistics  
Subchapter I – Vital Statistics  
Subchapter II – General statistics

**Chapter 257** Emergency Volunteer Health Care  
Practitioners

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### Resources

WI State Legislature: [www.legis.state.wi.us](http://www.legis.state.wi.us)

WI State Statutes:

<http://docs.legis.wisconsin.gov/statutes>

WI Administrative Code:

<http://docs.legis.wisconsin.gov/code>

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### Resources

Administrative Rules Rulemaking:

<https://health.wisconsin.gov/admrules/public/Home>

Department of Health Services Rules:

[www.dhs.wisconsin.gov/rules/index.htm](http://www.dhs.wisconsin.gov/rules/index.htm)

Division of Public Health:

<https://www.dhs.wisconsin.gov/lh-depts/health-officers/ph-statutes.htm>

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### Resources

Network for Public Health Law:  
[www.networkforphl.org](http://www.networkforphl.org)

CDC's Public Health Law Program:  
[www.cdc.gov/phlp](http://www.cdc.gov/phlp)

Corporation Counsel

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### Activity

- Statute or Rule?
- If a rule, what statute is it linked to?
- Find a “shall” and a “may.”
- How does this impact your work?
- Share something you learned in the statute/rule.

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